

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Rebecca L. Collins,)	
)	Case No. 1:04-CV-572
Plaintiff,)	
)	
vs.)	
)	
Michael K. Allen, <i>et al.</i> ,)	
)	
Defendants.)	

Order Adopting Report and Recommendation

On March 16, 2005, United States Magistrate Judge Timothy S. Black issued a Report and Recommendation in this matter. The Magistrate Judge recommended that Plaintiff's motion to dismiss Defendant Allen's counterclaim be granted, in part, and denied, in part. He recommended, specifically, that the first, second, third, and fifth counts of the counterclaim be dismissed but that the Court not dismiss the fourth count, a defamation claim. The Magistrate Judge further recommended that the Court strike the introduction to the counterclaim. Due to an oversight, the Court did not issue a notice of the right to file objections simultaneously with the issuance of the Report and Recommendation. That notice was issued on March 31, 2005. No party has filed objections to the Report and Recommendation within the time allotted by Rule 72(b) of the Federal Rules of Civil Procedure.

The Court has reviewed the Report and Recommendation for plain error. Finding none, the Court hereby **ADOPTS** the

Report and Recommendation *in toto*. Plaintiff's motion to dismiss Defendant Allen's counterclaim (Doc. 16) is hereby **GRANTED**, in part, and **DENIED**, in part. Defendant Allen's claims for attempted extortion, frivolous conduct, Rule 11 violations, and tortious interference are hereby **DISMISSED**. This matter will proceed on Defendant Allen's counterclaim for defamation. Plaintiff's motion to strike the introduction to Defendant Allen's counterclaim is also **GRANTED**, and the six-page introduction is hereby **STRICKEN**.

IT IS SO ORDERED.

/s/
Sandra S. Beckwith, Chief Judge
United States District Court